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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,936	08/27/2003	Richard A. Steinmetz	D-1150 DIV	5940
28995	7590	04/24/2006	EXAMINER HAMILTON, LALITA M	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/648,936	Applicant(s) STEINMETZ ET AL.	
	Examiner Lalita M Hamilton	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-24 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 and 28-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Summary*

On May 24, 2005, a non-final Office Action was sent to the Applicant rejecting claims 13-24 and 28-34. On October 7, 2005, the Applicant filed an Appeal Brief. Prosecution has been reopened.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-24 and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Dulude (6,310,966).

Dulude discloses biometric certificates for ATMs comprising a method and corresponding computer readable media for receiving a certificate through operation of the banking machine, authenticating at least one digital signature associated with the certificate through operation of the banking machine, configuring the banking machine responsive to the certificate and authentication of the at least one digital signature (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the certificate includes the digital signature, wherein the digital signature is authenticated responsive to a public key of a licensing authority (col.1, line 65 to col.2,

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line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the certificate corresponds to at least one software component authorized to be installed on the banking machine, and further comprising installing the at least one software component on the banking machine (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the certificate includes a plurality of sets of configuration rules each set corresponding to at least one of a plurality of automated banking machines, and wherein the banking machine is enabled to be configured responsive to at least one set (col.10, lines 1-45); the certificate further includes an expiration parameter, and further comprising determining through operation of the banking machine responsive to the expiration parameter that configuration of the software on the machine is not authorized and preventing configuration of software on the banking machine responsive to the determination (col.1, line 65 to col.2, line 15); the certificate includes an identification value unique to the banking machine (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); determining through operation of the banking machine that the identification value corresponds to a hardware embedded identification value in the banking machine (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the certificate includes a terminal identification value, including associating the machine with the terminal identification value (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); determining that the terminal identification value has changed and preventing the machine from performing at least one transaction function responsive to the determination (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5,

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lines 33-50; and col.8, lines 34-45); retrieving the certificate from a licensing authority (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); receiving the certificate from a server in operative connection with the banking machine (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); and computer readable media bearing instructions which are operative to cause a computer in an automated banking machine to carry out the method steps of receiving a certificate through operation of the banking machine, authenticating at least one digital signature associated with the certificate through operation of the banking machine, and configuring the banking machine responsive to the certificate and authentication of the at least one digital signature (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); receiving a certificate through operation of the banking machine, authenticating at least one digital signature associated with the certificate through operation of the banking machine, configuring the banking machine responsive to the certificate and authentication of the at least one digital signature (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); receiving at least one digitally signed certificate through operation of the ATM, wherein the ATM includes a cash dispenser and at least one processor, wherein the at least one certificate includes at least one serial number and verifying through operation of the at least one processor that the at least one serial number included in the at least one certificate corresponds to at least one serial number associated with at least one hardware device of the ATM and responsive, configuring the ATM through operation of the at least one processor responsive to the at least one

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digital certificate (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the at least one certificate includes at least one digital signature; and further comprising authenticating the at least one digital signature through operation of the at least one processor (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); includes receiving the at least one certificate from a server in operative connection with the ATM through a network (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the at least one hardware device corresponds to at least one of a keypad, a card reader, the cash dispenser, a printer, a depositor, a CPU, and a network device (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the ATM is not enabled to perform at least one transaction function involving the operation of the at least one hardware device, wherein in configuring the ATM includes enabling the ATM to perform the at least one transaction function involving the operation of the at least one hardware device (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); the at least one transaction function includes dispensing cash, wherein further comprising dispensing cash from the ATM through operation of the cash dispenser (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45); and configuring the ATM responsive to at least one key provided in the at least one certificate (col.1, line 65 to col.2, line 15; col.3, lines 28-50; col.5, lines 33-50; and col.8, lines 34-45).

***Response to Arguments***

Applicant's arguments with respect to claims 13-24 and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMH